

EXHIBIT A

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IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

NICOLE TAYLOR REED,

Plaintiff,

vs.

CIVIL ACTION NO.

2:06-CV-00380-MHT-CSC

BIG LOTS STORES, INC.,

Defendant.

* * * * *

DEPOSITION OF NICOLE TAYLOR REED,
taken pursuant to notice and stipulation
on behalf of the Defendant, in the offices
of Carpenter, Ingram & Mosholder, 4121
Carmichael Road, Suite 303, Montgomery,
Alabama, before Nicole Paulk, Court
Reporter and Notary Public in and for the
State of Alabama at Large, on January 17,
2007, commencing at 9:32 a.m.

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1 Q. Where was that? Where did you attend high
2 school?

3 A. Lanier High School.

4 Q. In Montgomery?

5 A. Uh-huh. Because that was a nice violent
6 fight. And -- I'm trying to think. I
7 have a bad memory.

8 Q. I'm sorry, what did you just say?

9 A. I said my memory, I have --

10 Q. You have a poor memory?

11 A. Uh-huh, very.

12 Q. So is it hard for you to remember things
13 that occurred years ago?

14 A. Very. That's just being honest. High
15 school. Okay. And then coming up to the
16 day about -- what -- have I been arrested?
17 Okay. And then coming up to the -- what
18 -- when was that, though? Okay. See, I
19 had got into some trouble about -- I had
20 some detectives come to my house a while
21 back, some years ago, concerning like Home
22 Depot or something, saying that I was into
23 something with some people there. Went

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1 Q. Do you recall the address for McGehee Park
2 Apartments in 2002?

3 A. Sir, if I recalled the actual address of
4 the thing, I would have put it on there.
5 I don't -- I honestly don't recall it, the
6 number.

7 Q. And do you recall the dates any more
8 specifically than you have listed in
9 response to Interrogatory Number 1?

10 A. No. I mean -- no, I don't recall the
11 dates any more specific. I know that year
12 I stayed in that apartment. And I ain't
13 never stayed in an apartment no longer
14 than a year, lease time, or six months.
15 And only one I had six months is when I
16 moved from McGehee Place and I went back
17 home with mama from mid-'05 to '06. I
18 don't know. They're correct, though.

19 Q. For the record, what is your race?

20 A. Black.

21 Q. And for the record, you're female?

22 A. Yes.

23 Q. Are you currently married?

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1 answer the question, you're saying I'm
2 refusing to cooperate? I don't -- I
3 honestly don't see that that's refusing to
4 cooperate.

5 Q. That's just your opinion; is that correct?

6 A. Yeah. Yes, that's correct.

7 Q. And what post-high school education have
8 you had?

9 A. Went to college, Troy State University of
10 Montgomery.

11 Q. And when did you attend college at Troy
12 State University of Montgomery?

13 A. From 2000 to -- when I graduated from high
14 school in 2000 until present time. I sat
15 out two years, from 2004 until now, until
16 January of this year.

17 Q. Tell me more specifically, have you earned
18 any degrees from Troy State University of
19 Montgomery?

20 A. I earned two. I have an associate's
21 degree in general science and education,
22 and I have a BS degree in human resource
23 management.

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1 about a 15-minute break. Ms. Reed, you
2 were hired by Big Lots on December 13,
3 2003; is that correct?

4 A. Correct.

5 Q. And that's --

6 A. 2003, you say?

7 Q. Uh-huh.

8 A. 2002 I thought. 2002?

9 Q. Okay. And you were hired as a part-time
10 cashier; is that right?

11 A. Part-time cashier, correct.

12 Q. And you were hired to work in Big Lots
13 Store Number 818 in Montgomery, Alabama;
14 is that correct?

15 A. Correct.

16 Q. And you worked at Store Number 818
17 throughout your employment with Big Lots;
18 is that true?

19 A. Correct.

20 Q. With whom did you interview when you
21 applied with Big Lots; do you recall?

22 A. James -- I forgot his last name. James.
23 I forgot his last name.

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1 Q. Do you know who was involved in the
2 decision to hire you?

3 A. No.

4 Q. And when you were hired, like all
5 employees, you received an associate
6 handbook; is that true?

7 A. I don't recall receiving a handbook.

8 Q. You don't recall whether you received one?

9 A. Uh-huh.

10 Q. Do you recall signing a piece of paper
11 acknowledging that you received an
12 associate handbook and had reviewed the
13 contents?

14 A. Not -- you're talking at the time that I
15 got hired?

16 Q. When you started working there.

17 A. Probably later on in the -- as I worked, I
18 probably did, but not as I got hired, not
19 the first day or anything like that. I
20 probably did later on --

21 Q. Maybe not the first day, but you recall
22 signing an acknowledgement form that you
23 received an employee handbook?

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1 A. Right.

2 Q. And you recall receiving an associate
3 handbook?

4 A. Right. Correct.

5 Q. If not the first day, then shortly
6 thereafter?

7 A. Or -- yeah.

8 Q. Ms. Reed, I've just handed you a copy of
9 Big Lots' equal opportunity policy, which
10 is contained in the associate handbook; is
11 that correct?

12 (The referred-to document was
13 marked for identification as
14 Defendant's Exhibit No. 6.)

15 A. I'm not sure if it's in the handbook or
16 not, but you handed me a form saying equal
17 opportunity employment.

18 Q. You recognize this as Big Lots' equal
19 employment opportunity policy?

20 A. Yeah, but I'm not sure if this page is in
21 the handbook.

22 Q. But you recognize this policy as Big Lots'
23 equal employment opportunity policy, is

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1 what I'm asking you.

2 A. Oh, I've never seen the equal opportunity
3 employment policy.

4 Q. Did you read the handbook?

5 A. They brought us in one day soon -- well,
6 towards the end and everything, they
7 brought us in, in order to bring the --
8 the handbooks, to read them. Told us come
9 to work one hour early just to read the
10 handbook and sign the paper. But what I'm
11 saying is I don't know if this exact one
12 came out the handbook. I don't know.

13 Q. Okay. Do you recall when you came in to
14 -- had it been revised? Is that when you
15 came in --

16 A. Yeah.

17 Q. -- to read another copy and sign a new
18 acknowledgement form?

19 A. That's what -- yeah, that's what we did.

20 Q. All right. So at some point you recall --
21 some point after you received an associate
22 handbook and signed for it, at some other
23 point it was revised, and so they asked

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1 you to come in early and receive a new
2 version of the associate handbook and sign
3 for that version too? Is that what you
4 were just talking about?

5 A. Yes.

6 Q. So you knew there was an equal opportunity
7 employment policy at Big Lots?

8 A. Yeah.

9 Q. And you were aware that the policy states
10 that no person shall be discriminated
11 against in employment because of, among
12 other things, race, color, and sex,
13 correct?

14 A. Correct.

15 Q. And you were aware during your employment
16 that Big Lots' policy prohibits
17 discrimination upon, among other things,
18 race, color, and sex, correct?

19 A. Correct.

20 Q. And you were aware during your employment
21 that Big Lots' policy stated that any
22 formal or informal allegation that the
23 equal employment opportunity had been

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1 violated should be referred immediately to
2 human resources; is that correct?

3 A. I'm not -- I don't know about that.

4 Q. You don't recall?

5 A. I don't recall.

6 Q. But you were aware that complaints could
7 be directed to human resources, correct?

8 A. I mean, that's for any company. Yeah, I'm
9 aware of that.

10 Q. But at Big Lots you understood that the
11 policy was that human resources was one
12 place to raise complaints?

13 A. Yes.

14 Q. I've just handed you, Ms. Reed, what has
15 been marked as Exhibit 7, which is a copy
16 of the harassment-free environment policy,
17 which is also contained in Big Lots'
18 associate handbook; is that correct?

19 (The referred-to document was
20 marked for identification as
21 Defendant's Exhibit No. 7.)

22 A. It's the policy, but I'm not sure if it's
23 in the -- I don't recall it being in the

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1 A. I don't recall.

2 Q. You don't recall whether you did or not?

3 A. Yeah, I don't recall.

4 Q. But you knew that Big Lots prohibited
5 harassment and/or discrimination based on
6 race and color and sex and so forth,
7 didn't you?

8 A. Ask me that question again.

9 Q. You're aware that Big Lots had a policy in
10 place that prohibited harassment and
11 discrimination based on race and color and
12 gender and such things?

13 A. Yes.

14 Q. And if you'll look with me, I'm down to
15 the paragraph that begins "likewise." Do
16 you see that?

17 A. Uh-huh.

18 Q. It states that, quote, any associate who
19 believes he/she has been the subject of
20 harassment is responsible for promptly
21 reporting the alleged act to human
22 resources or his/her immediate supervisor.
23 Is that correct?

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1 A. That's what the statement says, yes.

2 Q. And you knew during your employment that
3 such complaints should be made to a
4 supervisor or the human resources
5 department, correct?

6 A. How can you go to the people who are doing
7 this to you?

8 Q. That's not what my question was.

9 A. So what's the question?

10 Q. Do you need me to repeat the question?

11 A. Please.

12 Q. The question was, you knew that under Big
13 Lots' policy such complaints could be
14 raised with an immediate supervisor or a
15 supervisor or human resources?

16 A. Okay.

17 Q. Is that right?

18 A. Yes.

19 Q. And I've just handed you a copy of Exhibit
20 8, which is a copy of Big Lots' open door
21 policy; is that correct?

22 (The referred-to document was
23 marked for identification as

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1 Defendant's Exhibit No. 8.)

2 A. That's what you -- that's what I've
3 received.

4 Q. And do you recall this policy from the
5 associate handbook?

6 A. No, I don't.

7 Q. You don't recall whether it was in there
8 or not?

9 A. Yeah, I don't recall if it was in there or
10 not.

11 Q. Is that because of the length of time that
12 it's been since you worked at Big Lots?

13 A. I'm almost sure that's what it is.

14 Q. It's hard for you to remember what the
15 policies were or what you knew about them
16 because it's been a while since you worked
17 at Big Lots?

18 A. Correct.

19 Q. But if I told you that this open door
20 policy was in the associate handbooks
21 during your employment, you don't have any
22 reason to disagree, do you?

23 A. No.

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1 A. Only thing, I just -- I couldn't recall
2 that, like actually put it like, oh, yeah,
3 I remember; I couldn't say that. But I
4 wouldn't dispute saying that it wasn't
5 there.

6 Q. It's possible it was in there and you just
7 don't recall?

8 A. Correct.

9 Q. And was it also possible you saw this
10 policy in other forms other than the
11 associate handbook but you just don't
12 recall?

13 A. It's possible.

14 Q. Is it possible that you received training
15 on the Get Real Hotline?

16 A. I know I did that.

17 Q. You did receive training on it?

18 A. I know I -- I know we've done that.

19 Q. And then that last paragraph states that
20 any attempt to thwart or retaliate against
21 an associate for exercising his or her
22 open door rights will be considered a
23 serious violation of company policy and

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1 may result in disciplinary action up to
2 and including termination of employment.
3 Is that correct?

4 A. That's what it states.

5 Q. I've just handed you a document that's
6 been marked as Exhibit 9, Ms. Reed. And
7 this is a copy of Big Lots standards of
8 conduct policy; is that right?

9 (The referred-to document was
10 marked for identification as
11 Defendant's Exhibit No. 9.)

12 A. That's what it states.

13 Q. And the first page states that violations
14 of company policy, including the
15 harassment-free policy, will not be
16 tolerated; is that correct?

17 A. That's what it states.

18 Q. And the second page, last paragraph,
19 states, quote, associates are expected to
20 comply with this policy and report
21 violations immediately, end quote. Is
22 that correct?

23 A. That's what it states.

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1 A. Started. Yeah, that sounds about right.

2 Q. You have no reason to disagree with that
3 amount?

4 A. No.

5 Q. Ms. Reed, do you recognize this document?

6 (The referred-to document was
7 marked for identification as
8 Defendant's Exhibit No. 10.)

9 Q. It indicates that you received a pay
10 increase to \$6.05 in June 2003, correct?

11 A. Correct.

12 Q. And the document is signed by you and
13 Billy Pridgen?

14 A. Correct.

15 Q. And Mr. Pridgen was an assistant manager
16 at Store Number 818; isn't that correct?

17 A. Correct.

18 Q. Do you know whether Mr. Pridgen made the
19 decision to give you the pay increase?

20 A. Repeat it.

21 Q. Do you know whether Mr. Pridgen made the
22 decision to give you this pay increase?

23 A. I don't know.

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1 cashier position to a store associate
2 position, do you know who made that
3 decision?

4 A. No.

5 Q. I've just handed you Exhibit 12, which is
6 another action request form from Big Lots.
7 Do you recognize this document?

8 (The referred-to document was
9 marked for identification as
10 Defendant's Exhibit No. 12.)

11 A. Yes.

12 Q. It indicates you received another pay
13 increase to \$6.70 in December 2004,
14 correct?

15 A. Correct.

16 Q. And this document is signed by you and
17 Jerry Culpepper, correct?

18 A. Correct.

19 Q. Do you know who made the decision to give
20 you the pay increase?

21 A. No.

22 Q. Was Jerry Culpepper the store manager for
23 Store Number 818 at that time?

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1 A. Correct.

2 Q. I've just handed you a performance
3 appraisal marked as Exhibit 13. Do you
4 recognize this exhibit?

5 (The referred-to document was
6 marked for identification as
7 Defendant's Exhibit No. 13.)

8 A. Yes.

9 Q. And this is, again, a performance
10 appraisal, and it's for you, and it's
11 signed June 29, 2003 by you, Billy
12 Pridgen, and E. Torbert; is that correct?

13 A. Correct.

14 Q. And the first page indicates that Billy
15 Pridgen completed the appraisal. Is that
16 your understanding?

17 A. Yes.

18 Q. And your overall rating was 11 points,
19 which is noted as outstanding; is that
20 correct?

21 A. Correct.

22 Q. And you were pleased with this evaluation;
23 is that true?

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1 Q. And isn't it true that Billy Pridgen and
2 Jerry Culpepper gave you only positive
3 evaluations?

4 A. Correct.

5 Q. Do you recall ever receiving a verbal or
6 written discipline or reprimand during
7 your employment at Big Lots?

8 A. No.

9 Q. So you were never reprimanded or
10 disciplined while you worked there; isn't
11 that true?

12 A. True. Correct.

13 Q. And you were never demoted or punished in
14 any way while you worked at Big Lots, were
15 you?

16 A. No.

17 Q. Throughout your employment at Big Lots,
18 did you perform your job duties well?

19 A. Yes.

20 Q. And you were always able to perform your
21 job duties well at Big Lots?

22 A. Not always.

23 Q. But you always did perform them well?

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1 performance and proud of your work?

2 A. My work, yes.

3 Q. And throughout your employment at Big
4 Lots, you always performed all of the
5 duties and responsibilities that were
6 asked of you?

7 A. Yes.

8 Q. And when you performed your duties and job
9 responsibilities, you performed them well?

10 A. Correct.

11 Q. And you're not basing any claims in this
12 lawsuit on any issues concerning your
13 evaluations, are you?

14 A. No.

15 Q. All right. In this lawsuit, you allege
16 you were subjected to a hostile work
17 environment because of your race and sex,
18 correct?

19 A. Correct.

20 Q. And those are the only claims you're
21 bringing in this lawsuit, correct?

22 A. Correct.

23 Q. And you're bringing your claims under

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1 Title 7 of the Civil Rights Act; is that
2 correct?

3 A. Correct.

4 Q. Ms. Reed, I've just handed you what's been
5 marked as Exhibit 17. Do you recognize
6 this document?

7 (The referred-to document was
8 marked for identification as
9 Defendant's Exhibit No. 17.)

10 A. Yes.

11 Q. And is this a copy of the complaint you
12 filed in this matter?

13 A. Yes.

14 Q. Who prepared this document?

15 A. A guy named Attorney Gary Atchison.

16 Q. Did he prepare this shortly before it was
17 filed?

18 A. He -- yeah. This -- yeah. Yes.

19 Q. But he's not representing you in this
20 lawsuit, is he?

21 A. Correct. He dropped us at the last
22 minute.

23 Q. Tell me what you mean.

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1 Q. Ms. Reed, we're back on the record after
2 our lunch break. You understand that
3 you're still under oath; is that correct?

4 A. Correct.

5 Q. Ms. Reed, I've just handed you a document
6 that's been marked as Exhibit 18. Do you
7 recognize this document?

8 (The referred-to document was
9 marked for identification as
10 Defendant's Exhibit No. 18.)

11 A. Yes, I do.

12 Q. Is this a copy of your charge of
13 discrimination you filed against Big Lots
14 with the EEOC on June 23rd, 2005?

15 A. Correct.

16 Q. And this is Charge Number 130-2005-05212?

17 A. Correct.

18 Q. And you filed a copy of this document as
19 an exhibit to your complaint; is that
20 correct?

21 A. Correct.

22 Q. Did you review this EEOC charge before it
23 was filed?

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1 A. Yes.

2 Q. And is that your signature at the bottom
3 of the page?

4 A. Yes.

5 Q. And you signed the document on June 16,
6 2005?

7 A. Yes.

8 Q. And you understood this was sworn
9 testimony?

10 A. Yes.

11 Q. And is everything in the charge truthful
12 and accurate?

13 A. Yes.

14 Q. And you've included the relevant facts?

15 A. Yes.

16 Q. And in the box on the charge indicating
17 the date the alleged discrimination took
18 place, you've noted March 28 through 30,
19 2005; is that correct?

20 A. Yes.

21 Q. And those are the dates you allege the
22 discrimination took place?

23 A. For the situation on the pictures, but

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1 Q. Did you draft this Exhibit A?

2 A. No, I did not.

3 Q. Who did?

4 A. Gary -- Attorney Gary Atchison.

5 Q. And he represented you at the time this
6 charge was filed; is that correct?

7 A. Correct.

8 Q. Now, is the information contained in
9 Exhibit A complete and accurate with
10 respect to the specific facts underlying
11 this EEOC charge?

12 A. Correct.

13 Q. And did you file this charge because you
14 were complaining about the pictures Mike
15 Williams made?

16 A. Correct.

17 Q. And was Mike Williams an associate manager
18 at Big Lots Store Number 818 where you
19 worked?

20 A. Yes, he was.

21 Q. And is his full name Gerald Michael
22 Williams?

23 A. Yes.

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1 Q. When I refer to Mike Williams, you'll
2 understand who I'm referring to?

3 A. Correct.

4 Q. Do you know the age under Alabama law that
5 an individual is considered, under the
6 eyes of the law, an adult, as opposed to a
7 minor?

8 A. No.

9 Q. So you don't know the legal age of
10 majority in --

11 A. Oh, 21? Is it 21?

12 Q. I'm asking what you think it is.

13 A. I think it's 21. 22.

14 Q. Do you know?

15 A. I don't know.

16 Q. Do you know whether it's 18?

17 A. No.

18 Q. You don't know?

19 A. Huh-uh.

20 Q. And back to your allegations with respect
21 to Mike Williams, what specifically did he
22 do?

23 A. He went around in the store and he took

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1 pictures of us, supposedly to make us name
2 badges, kind of like the warehouse name
3 badges or ID cards. And the next day,
4 what he came back with was a photo -- was
5 the photograph with our pictures on the
6 money and the other ladies on the faces --
7 their black bodies on the white faces --
8 their black faces on the white bodies and
9 stuff. But if you had a color copy, you
10 could actually see that, that the skin on
11 the women and stuff is white.

12 Q. Do you have color copies?

13 A. Yeah. It's in the car. I left it in my
14 little thing. It's in the car.

15 Q. All right. But you have not produced
16 color copies to us in response to the
17 request for production that Big Lots
18 served in this case, have you?

19 A. I haven't? I guess I didn't, but -- guess
20 not. I thought I did, but I must have
21 gave that copy to the judge's office when
22 I -- because I made a -- when I did my
23 responsive questions, on the back of it,

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1 when I put the things, I had a color -- I
2 mean a copy of the pictures. But I must
3 have gave that copy to the judge and gave
4 y'all the copy of the -- the black and
5 white copy.

6 Q. And this conduct by Mike Williams occurred
7 between March 28th and 30th, 2005; is that
8 correct?

9 A. Concerning the pictures, yes.

10 Q. The conduct about which you're complaining
11 with respect to Mike Williams occurred
12 between March 28th and 30th, 2005?

13 A. Yes.

14 Q. Make sure you answer out loud after I've
15 finished what I'm saying, even if you
16 understand what I'm saying, so that it's
17 clear on the record. Thank you. All
18 right. And are the pictures about which
19 you are complaining in this EEOC charge
20 attached to Exhibit B -- or attached,
21 rather, as Exhibit B to the EEOC charge?

22 A. Yes.

23 Q. And is it your understanding that Mike

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1 Williams made all of the pictures that are
2 attached as Exhibit B to the EEOC charge?

3 A. He did.

4 Q. Okay. Looking at the first page of this
5 Exhibit B, that's not a picture of you, is
6 it?

7 A. No, it's not.

8 Q. And who are the two individuals in that
9 picture?

10 A. Linda Sankey and Jerry --

11 Q. I'm sorry?

12 A. Lindy Sankey.

13 Q. Linda Sankey?

14 A. Uh-huh, and Jerry Culpepper.

15 Q. Okay. And is Linda Sankey a black female?

16 A. Yes.

17 Q. And the other person in the picture --

18 A. A white --

19 Q. -- who you've identified as Jerry
20 Culpepper, is a white male, correct?

21 A. Correct.

22 Q. And someone has written 3/29/05 on that
23 picture. Did you do that?

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1 A. No. When it was hung up by the time clock
2 where we captured these pictures from in
3 the hallway, Linda Sankey, if I'm not
4 mistaken, either her or Autherine, they
5 put the date on it as soon as it happened,
6 the day that they got it down off the wall
7 so that they could know when this
8 happened.

9 Q. Okay. Now, is it your understanding that
10 this particular picture was hung up by the
11 time clock?

12 A. Yes, it was hung up by the time clock.

13 Q. Did you see it on the wall --

14 A. I didn't see -- I didn't see it, no. I
15 just asked them how they got it, and they
16 said he posted it by the time clock.

17 Q. So your understanding that this was posted
18 was based on what you heard from someone
19 else?

20 A. Correct.

21 Q. And Mike Williams didn't give you a copy
22 of this picture?

23 A. Correct.

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1 Q. And the only way you saw this picture is
2 because Linda Sankey or Autherine Crosky
3 gave you a copy?

4 A. Yes.

5 Q. And you don't know personally what day the
6 picture went up?

7 A. No.

8 Q. And you don't know personally how long the
9 picture was up?

10 A. Like time period, no.

11 Q. And you don't personally even know whether
12 it was ever even hung up, because you
13 never saw it?

14 A. I never saw it.

15 Q. So you don't personally know whether it
16 was?

17 A. I never saw it.

18 Q. And again, you're not in this picture?

19 A. Correct.

20 Q. And you weren't affected by this picture,
21 were you?

22 A. No.

23 Q. Do you have any personal knowledge as to

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1 he be just as offended by it as her?

2 A. Yes.

3 Q. And the second page of Exhibit B includes
4 pictures of various individuals on play or
5 fake hundred dollar bills; is that right?

6 A. Correct.

7 Q. And I'm referring to the left side of the
8 page there. Now, were these individuals
9 Big Lots employees?

10 A. Yes.

11 Q. And are you pictured on any of these
12 pictures?

13 A. Yes.

14 Q. Which one?

15 A. The last one.

16 Q. The last one in the column?

17 A. The fifth one in that column.

18 Q. Fifth one down. And who are the other
19 employees on these bills? If you'll just
20 start with the first one at the top left
21 of the page and go down.

22 A. You've got number one, Autherine Crosky,
23 number two, Barbara Martin, number three,

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1 Linda Sankey, number four, Lola Abner, and
2 the fifth picture is myself, Nicole Reed.

3 Q. Okay. Where did this page -- and by that
4 I'm referring to the second page of
5 Exhibit 2 -- where did this come from?

6 A. The next day -- you see the date at the
7 bottom --

8 Q. Uh-huh.

9 A. -- they also found this one posted by the
10 time clock. I didn't come to work that
11 evening -- I didn't get to work that day
12 until that evening, and when I arrived at
13 work that evening, that's when they had
14 shown me these pictures.

15 Q. Okay. So your understanding of the first
16 picture on the first page of Exhibit B is
17 that someone posted this by the time
18 clock --

19 A. On that day.

20 Q. -- on the 29th, and then someone else took
21 it down?

22 A. Uh-huh. Linda herself took it down. She
23 said --

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1 Q. Linda took it down?

2 A. Uh-huh.

3 Q. So you don't know personally who posted it
4 or how long it was up there?

5 A. Not for -- no.

6 Q. All right. Now we're on the second page
7 of Exhibit B, which has 3/30/05. And it's
8 your understanding this was posted near
9 the time clock, this page of these
10 pictures, just like this?

11 A. Just like this but it was in color. It
12 was a color copy.

13 Q. It was posted by the time clock on
14 3/30/05?

15 A. Correct.

16 Q. But you don't know who posted it?

17 A. No. I didn't personally see who put it up
18 there, and I didn't personally see who
19 took it down.

20 Q. And you never saw it up?

21 A. I never -- no.

22 Q. You never saw this second page of pictures
23 in Exhibit B posted?

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1 A. I never seen it by -- no.

2 Q. Never saw it up on display?

3 A. Correct.

4 Q. So your understanding that it was
5 displayed near the time clock is only
6 based on what someone else told you?

7 A. What Autherine told me, the day shift, the
8 ladies who work in the morning time.
9 They're the ones who took it down.

10 Q. Based on what they tell you?

11 A. Yeah, based on what they told me.

12 Q. But again, you don't know anything about
13 that first-hand?

14 A. Not first-hand.

15 Q. Do you know whether pictures of all
16 employees who worked in the store at that
17 time were put on play hundred dollar bills
18 by Williams regardless of race or gender?

19 A. Repeat that again.

20 Q. Do you know whether pictures of all the
21 employees who worked at Big Lots Store 818
22 were put on the play hundred dollar bills
23 by Williams, regardless of their race or

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1 their gender?

2 A. No, I don't know.

3 Q. You don't know whether that happened?

4 A. No, I don't know.

5 Q. So again, you don't know if there are
6 other copies of other photographs with
7 different employees on the play hundred
8 dollar bill, do you?

9 A. I don't know.

10 Q. You don't know if Mike Williams put his
11 own picture on one?

12 A. Never seen it if he did.

13 Q. But do you know?

14 A. Don't know.

15 Q. And you don't know whether Jerry Culpepper
16 appeared on one?

17 A. Don't know.

18 Q. So in sum, you don't know whether white
19 employees were put on hundred dollar bills
20 by Williams?

21 A. Don't know. Never seen it.

22 Q. And you don't know whether pictures of
23 white employees on the play hundred dollar

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1 bills were posted also?

2 A. We really didn't have that many white
3 employees at Big Lots.

4 Q. Okay. Answer my question.

5 A. Don't know.

6 Q. Don't know, okay. Do you know whether
7 male employees were included on fake or
8 play hundred dollar bills by Mike
9 Williams?

10 A. Don't know.

11 Q. And you don't know whether any male
12 employees pictured on play hundred dollar
13 bills were posted near the time clock, do
14 you?

15 A. Don't -- don't know. Bogus. Bogus bills,
16 that's what he called them, bogus cash.

17 Q. But that's just play money, right?

18 A. They still discredit the person.

19 Q. In what way?

20 A. I mean, it's saying at the top, this
21 person is as bogus as this note, at the
22 top of the bill. So he's just calling you
23 out of character saying --

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1 Q. So is that what you find objectionable
2 about it?

3 A. Yeah. Because he -- I mean, he hadn't
4 even worked at the store long enough to
5 know your character or to get to know you.

6 Q. He was a relatively new employee?

7 A. Right.

8 Q. Well, do you know whether this is just
9 part of his sense of humor?

10 A. No, I don't know if that was part of his
11 sense of humor.

12 Q. You don't know?

13 A. Huh-uh.

14 Q. I mean, didn't you think he just thought
15 this was funny?

16 A. I don't know.

17 Q. You don't know?

18 A. He could have, but I don't know.

19 Q. He could have. Do you know whether it's
20 possible that he just did this maybe to
21 break the ice and get to know people and
22 have a little fun?

23 A. Well, I know this wouldn't be a way I

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1 would do it.

2 Q. Well, but do you know if that's what he
3 intended?

4 A. Huh-uh, I don't know.

5 Q. But again, what you find objectionable
6 about this -- what I'll call the play
7 money pictures -- and again, we're talking
8 about these on the left column, the
9 hundred dollar bills -- what you find
10 objectionable is the fact that it says
11 this person is as bogus as this note? Is
12 that what you have an issue with?

13 A. Yeah, bogus cash. Yeah, that's what --
14 yeah.

15 Q. But these pictures and the text on the
16 bills don't say anything about the
17 employees' race or gender, do they?

18 A. No, but they're all black females. All
19 five of them on this picture that we so
20 happened to get was black -- five black
21 females.

22 Q. On this particular page?

23 A. Right, on this page.

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1 Q. But you testified that you don't know
2 whether there are others?

3 A. No, I don't know.

4 Q. And you testified that the majority of the
5 employees at Store Number 818 were black
6 or African-American; isn't that correct?

7 A. Correct.

8 Q. And the majority of the employees there
9 were also women; isn't that correct?

10 A. Correct.

11 Q. So again, I'm asking you, these pictures
12 don't show anything about anyone's race,
13 do they?

14 A. They just -- they're black females.

15 Q. So -- but is that it, the fact that they
16 just happen to be black?

17 A. Yeah, they happen to be --

18 Q. That's the only thing relating to their
19 race, isn't it?

20 A. Yeah.

21 Q. And the text doesn't say anything about
22 their race, does it? The language on the
23 --

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1 A. Oh, the text on the bill?

2 Q. Uh-huh.

3 A. No, it just calls you bogus.

4 Q. But that doesn't have anything to do with

5 their race, does it?

6 A. No.

7 Q. Are you depicted in any of the other

8 pictures on the second page of this

9 Exhibit B?

10 A. No, I'm not.

11 Q. And so these other pictures on this page

12 don't affect you, do they?

13 A. No.

14 Q. And that's because you're not in them?

15 A. Correct.

16 Q. And many of the pictures on the second

17 page of Exhibit B also include a white

18 male; isn't that correct?

19 A. Yes, it does.

20 Q. And who is the white male depicted in the

21 pictures?

22 A. It looks like -- it appears to be Jerry

23 Culpepper.

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1 Q. And Jerry Culpepper is pictured -- or the
2 white male in these pictures is pictured
3 with silly or funny clothing and making
4 funny or silly comments just like the
5 other individuals in the pictures; isn't
6 that correct?

7 A. He's making comments.

8 Q. And he's wearing funny clothes too, right?

9 A. Yeah. Yes.

10 Q. And so only one of the pictures on Page 2
11 of Exhibit B includes you; isn't that
12 correct?

13 A. Correct.

14 Q. And you didn't write the date 3/30/05 at
15 the bottom of this page?

16 A. Correct.

17 Q. And you don't know who wrote it?

18 A. Correct.

19 Q. And you don't know the date that these
20 pictures were made?

21 A. No. I just know that was the date I seen
22 them. I know I seen them that day, the
23 30th.

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1 Q. When someone handed it to you?

2 A. Correct.

3 Q. But you didn't see it hanging up anywhere?

4 A. Correct.

5 Q. Isn't it true that none of the pictures on
6 this second page of Exhibit B have
7 anything to do with race or gender?

8 A. None of what pictures?

9 Q. On this page.

10 A. Yes, they do.

11 Q. There are no references to anyone's race,
12 are there?

13 A. But they've got these --

14 Q. Hold on. I'm asking you a question.

15 There are no references to anyone's gender
16 or race on this page, are there?

17 A. Oh, like saying it in words? No words.

18 Q. Is there any reason you think any of these
19 have anything to do with race?

20 A. Yes, because they've got these women in
21 clown -- in -- looks like monkey suits.

22 Yes, I do. And then you've got their --

23 Q. What pictures are you talking about?

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1 A. I'm talking about this center of this
2 exhibit, the small ones with Autherine,
3 Linda Sankey, and Lola Abner. He actually
4 had those -- if you see the color copy,
5 you'll be able to tell that that's monkey
6 suits.

7 Q. Looks like a clown suit to me.

8 A. Okay.

9 Q. Do you know what it is?

10 A. From what it looks like to me, looks like
11 them little -- like you dress one of them
12 little monkeys that you give the change
13 to -- looks like one of those.

14 Q. But do you know whether those are just
15 clown costumes?

16 A. Don't know what it is.

17 Q. Is there anything else that you think
18 relates to race?

19 A. He put their -- like at the bottom with
20 Lola, he's got her black face and the
21 white neck, white hands.

22 Q. Why do you think that has anything to do
23 with race? Couldn't it just be that the

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1 pictures he was using were of white
2 people?

3 A. He -- see, he actually took the time to
4 turn these people's faces to sit on these
5 bodies, so he premeditated and knew
6 exactly what he was doing to get these
7 pictures to perfection like he did.

8 Q. Okay. What does that have to do with
9 race?

10 A. Because he's got these five black women on
11 these white bodies.

12 Q. So maybe -- do you know whether these were
13 just the pictures he had on his software
14 program on his computer and this allowed
15 him to do this?

16 A. I don't know.

17 Q. You don't know whether he was
18 intentionally trying to make reference to
19 anyone's race or gender, do you?

20 A. I don't know what his plans were.

21 Q. You don't know whether he was
22 intentionally trying to harass someone, do
23 you?

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1 A. No.

2 Q. Or make someone feel bad, do you?

3 A. I don't know what his plans were.

4 Q. And you don't know whether Mike Williams
5 was intentionally referring to any race or
6 gender of these folks, do you?

7 A. I don't know what he was implying.

8 Q. You testified that you know that Mike
9 Williams made these pictures.

10 A. We know he made them because on the next
11 page he took our -- he went around and we
12 posed for him to take ID badges. So you
13 come back the next day or so with the ID
14 badges and our pictures on clown faces,
15 you're the only one had the camera going
16 around the store taking the pictures, so
17 you did these.

18 Q. That's why you think he did it?

19 A. Yeah.

20 Q. He never told you he did it?

21 A. Oh, he -- he laughed about these pictures.
22 He thought it was funny. He laughed about
23 them.

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1 Q. So he did think it was funny?

2 A. Yeah.

3 Q. Do you know why he thought it was funny?

4 A. Don't know.

5 Q. And so the pictures on Page 3 of Exhibit B
6 appear to be the name badges; is that
7 right?

8 A. Yeah.

9 Q. And isn't it true that Mike Williams put
10 the pictures of all the store employees on
11 their name badges?

12 A. I don't think he got around to everybody,
13 because at the time when he first did it,
14 everybody don't be at the store at the
15 same time.

16 Q. Okay. Do you know whether he did it?

17 A. No. I don't know whether he was able to
18 complete everybody's name badges or how
19 many he got done.

20 Q. And you don't find any objectionable or
21 discriminatory with respect to these name
22 badge pictures on Page 3 of Exhibit B?

23 A. As far as the name badges, no, but the

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1 the pictures on there?

2 A. I don't know what -- I don't know.

3 Q. So you don't know who actually put these
4 numbers on these badges, do you?

5 A. No.

6 Q. And putting someone's social security
7 number or partial social security number
8 on the badges, that doesn't have anything
9 to do with anyone's gender or race, does
10 it?

11 A. No.

12 Q. So you don't find these objectionable on
13 that basis, do you?

14 A. Other than -- no. Other than social
15 security numbers, no.

16 Q. But again, that doesn't have -- you don't
17 find them to be related to race or gender,
18 these pictures?

19 A. Not the name badge pictures, no, not race
20 or gender.

21 Q. So those aren't really part of your EEOC
22 charge?

23 A. They was in there to tell the reason how

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1 he got our pictures.

2 Q. Okay. So that's what I'm saying. But
3 they're not really part of this?

4 A. Correct.

5 Q. All right. And again, it was your
6 testimony that you don't have any personal
7 knowledge as to why Mike Williams used the
8 employees' pictures on the play money and
9 in the other pictures about which you were
10 complaining, did you?

11 A. I don't know why he did it.

12 Q. And you don't know whether he just had an
13 odd sense of humor and thought it would be
14 funny, do you?

15 A. I don't know his sense of humor. I know I
16 didn't find it funny.

17 Q. And you don't have any personal knowledge
18 as to whether race or gender had anything
19 to do with Williams making these pictures,
20 do you?

21 A. Other than the black faces on the white
22 bodies, no.

23 Q. I'm asking you whether that had anything

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1 -- you don't know whether that had
2 anything to do with him making these
3 pictures, do you?

4 A. Just like we don't know why he did it.

5 Q. That's what I'm saying. You don't have
6 any idea why he did this?

7 A. No.

8 Q. And you don't know if there are other
9 pictures that include other employees
10 other than these, do you?

11 A. Have never seen them.

12 Q. So is that a no, you don't know?

13 A. Don't know.

14 Q. Do you know whether any store manager or
15 any other higher level manager gave
16 Williams permission to make these pictures
17 or otherwise knew he was doing it?

18 A. Don't know.

19 Q. And again, the only reason you personally
20 saw these pictures is because Autherine
21 Crosky -- or did you say Linda Sankey --

22 A. Linda.

23 Q. -- gave them to you?

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1 A. Yeah, brought it up to me to show me.

2 Q. And you never spoke to Williams about
3 these pictures?

4 A. No.

5 Q. And you did not personally complain to
6 anyone else about these pictures, did you?

7 A. Huh-uh. Culpepper tried to -- Culpepper
8 tried to explain --

9 Q. Hold on. Let's try to answer my question.
10 You didn't personally complain to anybody
11 about these pictures, did you, to any
12 manager?

13 A. I said something to Culpepper about it,
14 like what happened, you know, how did
15 these get done. And he was just like --

16 Q. Hold on.

17 A. I said I talked to Culpepper. I don't
18 know if it went on record or paper or
19 nothing like that, but I said something to
20 him.

21 Q. Tell me -- and by Culpepper, you mean
22 Jerry Culpepper?

23 A. Jerry Culpepper, yeah. I just asked him,

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1 him what happened, like this morning,
2 because it happened like that morning.

3 And he was just like, oh, Michael, he --

4 Q. Which morning are you talking about?

5 A. The morning of the 30th. It happened on
6 the --

7 Q. You think you had a casual conversation
8 with Culpepper on the morning of March
9 30th --

10 A. Huh-uh, the evening when I got in. This
11 incident happened in the morning.

12 Q. Okay. The evening of March 30th, 2005?

13 A. Right, when I got to work. And I just
14 asked him what happened.

15 Q. You just said, what happened?

16 A. Yeah. I was like, how did this get out;
17 what is this. And he just brushed it off.
18 It wasn't like no, I was coming to see him
19 as a like employee supervisor to complain
20 to him. It wasn't that type of comment.

21 Q. That's not how you were treating it?

22 A. No, that's not how -- huh-uh.

23 Q. You weren't complaining about them; you

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1 were just asking him what --

2 A. Trying to figure out what's going on with
3 it, just to see, you know -- just like I'm
4 trying to get up front to get in one of
5 these things, I'm trying to figure out
6 what happened, how did this get out.

7 Q. You just casually mentioned it to him?

8 A. Mentioned it, yeah.

9 Q. And what did he say?

10 A. He was just like, oh, something that
11 Michael did, don't worry about it. He
12 said it like that, oh, don't worry about
13 it; it's nothing. And so I didn't think
14 anything of it that day -- you know, the
15 rest of that day that I was working.

16 Q. So you just casually mentioned it to him.
17 You didn't complain about it; you just
18 said --

19 A. No, I didn't complain about it to --

20 Q. To Jerry --

21 A. -- higher -- him or higher. Yeah, I
22 didn't.

23 Q. All right. And you didn't say, I have a

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1 problem with these or anything like that;
2 you just asked what they were or where
3 they came from; is that right?

4 A. Yeah. I was in that type -- I was more
5 like stunned like that somebody can do it,
6 like what is this; what happened. I was
7 more like that until I was able to bring
8 them and actually sit down and just think
9 about it.

10 Q. All right. But you didn't complain to
11 anyone at Big Lots, a manager or HR or
12 anything, about these pictures?

13 A. No, I did not. I personally did not, no.

14 Q. And you didn't indicate to Jerry Culpepper
15 that you had a problem with the pictures?

16 A. At that time, no. No.

17 Q. Well, I'm just talking about period. You
18 never -- you didn't discuss these pictures
19 with him again, did you?

20 A. No, didn't discuss them.

21 Q. So you just mentioned it the one time, and
22 you didn't tell him that you personally
23 had a problem; you just asked him what you

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1 said you asked him?

2 A. Uh-huh, what happened and how did they get
3 out, you know.

4 Q. And there was only the one picture of you
5 as we discussed, correct?

6 A. Correct.

7 Q. And so you testified that at that time you
8 -- on the 30th when you saw these and you
9 did mention it to Jerry Culpepper, you
10 didn't have a problem or find these
11 objectionable at that time, did you?

12 A. I was more shocked, like, that this was
13 done. That's the type expression I had,
14 like, what? What is this? I was more
15 like stunned that he did it, like I can't
16 believe he did that. That was my
17 expression, like, what? What is this?
18 Shocked. So no, I did not complain to
19 Jerry Culpepper at that time, because I
20 was going to him in like shock stage, just
21 froze.

22 Q. And these are the -- the one picture not
23 of you on Page 1 of Exhibit B and then

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1 these pictures on Page 2 of Exhibit B,
2 these are the only pictures you raised in
3 your EEOC charge, correct?

4 A. Correct.

5 Q. All right. And these are the only
6 pictures you're aware of that are like
7 this?

8 A. That was taken -- yeah, correct.

9 Q. During your employment at Big Lots; is
10 that right?

11 A. Yeah. Besides the actual name badges --

12 Q. Well, you said you didn't have an issue
13 with the name badges, so I'm referring to
14 this picture on Page 1 of Exhibit B and
15 these pictures on the second page of
16 Exhibit B.

17 A. Okay.

18 Q. These are the only pictures like this that
19 you encountered or came across during your
20 employment at Big Lots, right?

21 A. Correct.

22 Q. And it's your understanding that these
23 were taken on March 29th, '05, or made on

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1 March 29th, '05 and March 30th, '05; is
2 that right?

3 A. Yes.

4 Q. Do you know at what time or when Big Lots
5 or the other managers at Big Lots found
6 out about these pictures?

7 A. Don't know.

8 Q. Don't know. Do you know whether anyone
9 had mentioned these pictures or shown
10 these pictures to Jerry Culpepper before
11 you mentioned --

12 A. I don't know.

13 Q. Did you show them to Jerry Culpepper, or
14 did you just say something about some
15 pictures?

16 A. Just said something about some pictures.

17 Q. But you didn't actually have a copy?

18 A. I didn't actually have a copy, no, in my
19 hand.

20 Q. So you don't know when Jerry Culpepper --
21 who was the store manager, correct --

22 A. Correct.

23 Q. -- you don't know when he saw these --

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1 Q. You don't know whether he was fired for
2 these pictures, do you?

3 A. Don't know.

4 Q. Are you aware that Williams' separation
5 from Big Lots was effective April 11th,
6 2005?

7 A. Not aware.

8 Q. Are you aware that as soon as Big Lots
9 learned about these pictures, it
10 investigated the incident?

11 A. I didn't know.

12 Q. Isn't it true that after Big Lots learned
13 of the pictures and disciplined Williams,
14 there were no more such pictures?

15 A. No more pictures, correct.

16 Q. And would you agree that Big Lots
17 corrected any problems with Mike Williams?

18 A. I guess. As far as I recall.

19 Q. So as far as you know, Big Lots took
20 action when Big Lots found out about these
21 pictures, and there were no more pictures,
22 correct?

23 A. I was never told that they took action,

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1 this charge? You just don't know?

2 A. I don't know.

3 Q. Ms. Reed, I've just handed you what has
4 been marked as Exhibit 19, which is a
5 dismissal and notice of rights from the
6 EEOC to you. And is this a copy of the
7 dismissal and notice of rights you
8 received from the EEOC with respect to
9 your EEOC Charge Number 130-2005-05212?

10 (The referred-to document was
11 marked for identification as
12 Defendant's Exhibit No. 19.)

13 A. Correct.

14 Q. And the document indicates it was mailed
15 on June 29th, 2005; is that correct?

16 A. Correct.

17 Q. And you received it on June 29th or within
18 a few days; is that correct?

19 A. Correct.

20 Q. And it states that the EEOC is closing its
21 file on this charge for the following
22 reason, and the box is checked that
23 states, the facts alleged in the charge

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1 failed to state a claim under any of the
2 statutes enforced by the EEOC. Is that
3 correct?

4 A. Correct.

5 Q. And you understood that the EEOC was
6 dismissing your charge, correct?

7 A. Correct.

8 Q. I've just handed you Exhibit 20, which is
9 a letter to you from the EEOC. Do you
10 recognize this letter?

11 (The referred-to document was
12 marked for identification as
13 Defendant's Exhibit No. 20.)

14 A. Yes.

15 Q. And this is a letter to you from Allen
16 Gosa with the EEOC, correct?

17 A. Yes.

18 Q. And in this letter, the EEOC states that
19 your charge has been dismissed and that
20 from the facts presented the EEOC did not
21 conclude that the photographs or
22 illustrations constitute a racially or
23 sexually hostile work environment; is that

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1 correct?

2 A. Correct.

3 Q. When did you first contact a lawyer
4 regarding your employment at Big Lots?

5 A. When did I first contact a lawyer
6 regarding my employment? Are you talking
7 about the situation?

8 Q. Yeah, regarding anything that happened at
9 Big Lots, when did you first contact a
10 lawyer?

11 A. I can't recall the very first time because
12 I know I done talked to several. So I
13 really can't recall the very first one I
14 talked to.

15 Q. You talked to several --

16 A. Attorneys.

17 Q. -- before you filed your EEOC charge or
18 after?

19 A. Before. So I can't recall like the exact
20 dates of when I sat in these people's
21 office and talked to them.

22 Q. Was the first lawyer that actually
23 represented you Gary Atchison?